

REPORT TO INFORM APPROPRIATE ASSESSMENT SCREENING

**FOR
PROPOSED AMENDMENT
(RESIDENTIAL CAR PARKING STANDARDS)**

**TO THE
CHERRYWOOD SDZ PLANNING SCHEME 2014, AS AMENDED**

for: Dún Laoghaire-Rathdown County Council

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1 Introduction

1.1 Background

This Appropriate Assessment (AA) Screening Report has been prepared for the Proposed Amendment (Residential Car Parking Standards) to the Cherrywood Strategic Development Zone (SDZ) Planning Scheme 2014 in accordance with requirements of in accordance with the requirements of Article 6(3) of Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (as amended) (hereafter referred to as the "Habitats Directive")¹.

1.2 Legislative Context

The Habitats Directive provides legal protection for habitats and species of European importance. The overall aim of the Habitats Directive is to maintain or restore the "favourable conservation status" of habitats and species of European Community Interest. These habitats and species are listed in the Habitats and Birds Directives (Council Directive 2009/147/EC on the conservation of wild birds) with Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) designated to afford protection to the most vulnerable of them. These two designations are collectively known as European Sites. Articles 6(3) and 6(4) of the Habitats Directive set out the decision-making tests for plans and projects likely to affect European Sites. Article 6(3) establishes the requirement for AA. These requirements are implemented in the Republic of Ireland by the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) and the Planning and Development Act 2000 (as amended).

AA is an assessment of the potential for adverse or negative effects of a plan or project, in combination with other plans or projects, on the conservation objectives of a European Site. These sites consist of SACs and SPAs and provide for the protection and long-term survival of Europe's most valuable and threatened species and habitats.

1.3 Approach

There are four main stages in the AA process, as follow:

Stage One: Screening

The process that identifies the likely impacts upon a European Site of a project or plan, either alone or in combination with other projects or plans, and considers whether these impacts are likely to be significant.

Stage Two: Appropriate Assessment

The consideration of the impact on the integrity of the European Site of the project or plan, either alone or in combination with other projects or plans, with respect to the site's structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts. If adequate mitigation is proposed to ensure no significant adverse impacts on European Sites, then the process may end at this stage. However, if the likelihood of significant impacts remains, then the process must proceed to Stage Three.

Stage Three: Assessment of Alternative Solutions

The process, which examines alternative ways of achieving the objectives of the project or plan that avoids adverse impacts on the integrity of the European Site.

¹ Directive 92/43/EEC

Stage Four: Assessment where no alternative solutions exist and where adverse impacts remain

An assessment of compensatory measures where, in the light of an assessment of imperative reasons of overriding public interest (IROPI), it is deemed that the project or plan should proceed.

The Habitats Directive promotes a hierarchy of avoidance, mitigation and compensatory measures. This approach aims to avoid any impacts on European Sites by identifying possible impacts early in the plan-making process and avoiding such impacts. Second, the approach involves the application of mitigation measures, if necessary, during the AA process to the point where no adverse impacts on the site(s) remain. If potential impacts on European Sites remain, and no further practicable mitigation is possible, the approach requires the consideration of alternative solutions. If no alternative solutions are identified and the Plan is required for imperative reasons of overriding public interest, then compensation measures are required for any remaining adverse effects.

Ecological impact assessment of potential effects on European Sites is conducted following a standard source-pathway-receptor model, where, in order for an effect to be established all three elements of this mechanism must be in place. The absence or removal of one of the elements of the mechanism is sufficient to conclude that a potential effect is not of any relevance or significance.

- Source(s) – e.g. pollutant run-off from proposed works;
- Pathway(s) – e.g. groundwater connecting to nearby qualifying wetland habitats; and
- Receptor(s) – qualifying aquatic habitats and species of European Sites.

In the interest of this report, receptors are the ecological features that are known to be utilised by the qualifying interests or special conservation interests of a European Site. A source is any identifiable element of the Proposed Amendment provisions that are known to have interactions with ecological processes. The pathways are any connections or links between the source and the receptor. This report provides information on whether direct, indirect and cumulative adverse effects could arise from the Proposed Amendment.

The AA Screening exercise has been prepared taking into account legislation including the aforementioned legislation and guidance including the following:

- *Appropriate Assessment of Plans and Projects in Ireland. Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, 2009.*
- *"Commission Notice: Managing Natura 2000 sites - The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC", European Commission 2018.*
- *"Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC", European Commission Environment DG, 2002.*
- *"Managing Natura 2000 sites: The Provisions of Article 6 of the Habitats Directive 92/43/EEC", European Commission, 2000.*

The AA is based on best scientific knowledge and has utilised ecological and hydrological expertise. In addition, a detailed online review of published scientific literature and 'grey' literature was conducted. This included a detailed review of the National Parks and Wildlife Website including mapping and available reports for relevant sites and in particular sensitive qualifying interests/special conservation interests described and their conservation objectives. The EPA Envision Map-viewer (www.epa.ie) and available reports were also reviewed, as was the NPWS (2013) publication "*The Status of Protected EU Habitats and Species in Ireland*".

2 Description of and background to the Proposed Amendment

2.1 The Cherrywood SDZ Planning Scheme 2014 (as amended)

The Cherrywood SDZ Planning Scheme 2014 was subject to full Strategic Environmental Assessment (SEA) and to Appropriate Assessment (AA) Screening. These processes, throughout which the environmental authorities were consulted, facilitated the mitigation of potential environmental effects.

The AA screening of the existing Planning Scheme has been carried out, and this concluded that there is no requirement for Stage 2 AA to be undertaken. The Planning Scheme was found not to introduce any potential significant adverse effects to any European Sites. Similarly, the existing Planning Scheme was subject to an SEA to ensure that environmental considerations were an integral element of the Planning Scheme including biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage, landscape and the interrelationship between these considerations, whenever applicable.

The 2017² and 2018³ Amendments to the Cherrywood SDZ Planning Scheme 2014 were found not to require full SEA or Stage 2 AA.

2.2 The Proposed Amendment (Residential Car Parking Standards)

The purpose of the Proposed Amendment is to update the Planning Scheme so as to align with Government Policy on housing and in particular to take cognisance of the updated ministerial guidance on car parking provision for apartment development as set out in the *"Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities"* (March 2018) as published by the Department of the Housing Planning and Local Government (DHPLG).

In the approved scheme, the residential car parking standards were based on the premise that Cherrywood was designed so that residents should not require the use of the car for daily commutes; that the plan facilitates local provision of residents' daily commercial, educational and recreational needs; and that the majority of future residents can access their place of employment by walking, cycling or public transport. Furthermore, the plan layout with its network of safe and attractive routes for the pedestrian and cyclist was a further key influencing factor. Accordingly, the car parking standards in the Scheme factored in a reduction from the typical standards across the county.

Further to the guidance set out in the above ministerial guidelines, DLRCC commissioned a review of the car parking standards for Cherrywood to ascertain the appropriate level of car parking provision, having regard also to the need to provide for car parking and to safeguard against under-provision so as to protect the public realm. The evidence-based review findings indicate the potential to reduce the car parking requirements for apartment development in the two lower residential density zones; to allow for a reduction of car parking spaces in all residential density zones on the basis of the provision of car sharing facilities across Cherrywood; and a further reduction for studio apartments as a specific unit type.

The amendment also addresses BTR development having regard to SP8 of the Sustainable Urban Housing Guidelines and the designation of Cherrywood as a Strategic Development Zone (SDZ) which

² These amendments addressed/clarified the implications of the *"Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities"*, 2015, and amended the sequencing of the retail development within the Town Centre.

³ These amendments addressed sequencing and phasing of development so as to enable an appropriate quantum of residential development to proceed commensurate with the level of infrastructure permitted to date and currently under construction within the Planning Scheme Area.

necessitates an element of certainty for applicants and third parties alike. The guidelines refer to minimal or significantly reduced car parking provision for BTR developments on the basis of the suitability of this type of development for central locations and / or proximity to public transport services. In this regard, the Board's attention is drawn to the fact that the reduced car parking standards as proposed by way of this amendment, already takes cognisance of proximity to public transport services; the ambitious modal split targets for sustainable transport modes as set in the Cherrywood Planning Scheme; and the potential for car sharing. Accordingly, DLRCC considers that the reduced standards for residential development represent the default minimal for BTR development in Cherrywood as supported by the Study.

On the basis of the foregoing, it is considered that the Proposed Amendment represents an appropriate locational and area-specific response to the ministerial guidelines for the Cherrywood SDZ Area.

2.3 Relationship with other Relevant Plans and Programmes

The Proposed Amendment must comply with the Cherrywood SDZ Planning Scheme 2014 (as amended) and relevant higher-level strategic actions and may, in turn, guide lower level strategic actions. The Proposed Amendment is subject to a number of high level environmental protection policies and objectives with which it must comply, including those which have been identified as Strategic Environmental Objectives in Section 5 Cherrywood SDZ Planning Scheme 2014 (as amended).

Other higher-level plans include:

- **The Dún Laoghaire-Rathdown County Development Plan 2016-2022**

The Dún Laoghaire-Rathdown County Development Plan 2016-2022 sets out provisions for the proper planning and sustainable development of Dún Laoghaire-Rathdown over its lifetime and is consistent with the Regional Planning Guidelines. The County Development Plan sets out Dún Laoghaire-Rathdown County Council's policies for the continuing sustainable development of the County for the period 2016 to 2022.

- **Ireland 2040 - Our Plan, the National Planning Framework, (replacing the National Spatial Strategy 2002-2020) and the National Development Plan (2018-2027)**

The National Planning Framework is the Government's high-level strategic plan for shaping the future growth and development of to the year 2040. It is a framework to guide public and private investment, to create and promote opportunities for people, and to protect and enhance the environment - from villages to cities, and everything around and in between.

- **The Sustainable Development Goals National Implementation Plan (2018-2020)**

National Implementation Plan 2018-2020 is in direct response to the 2030 Agenda for Sustainable Development and provides a whole-of-government approach to implement the 17 Sustainable Development Goals.

- **Regional Economic and Spatial Strategy for the Eastern and Midland Region**

The Regional Spatial and Economic Strategy provides a long-term regional level strategic planning and economic framework in order to support the implementation of the National Planning Framework.

- **Greater Dublin Area Transport Strategy (2016-2035)**

This Strategy sets out how transport will be developed across the Greater Dublin Area, covering Dublin, Meath, Wicklow and Kildare.

- **Environmental Protection Objectives**

The Proposed Amendment is subject to a number of high-level environmental protection policies and objectives with which it must comply. Examples of Environmental Protection Objectives include the aims of the EU Habitats Directive which is to contribute towards ensuring biodiversity through the conservation of natural habitats and of wild fauna and flora in the European territory of Member States and the purpose of the Water Framework Directive which is to establish a framework for the protection of inland surface waters, transitional waters, coastal waters and groundwater which, among other things, prevents deterioration in the status of all water bodies and protects, enhances and restores all waters with the aim of achieving *good status*.

3 Screening for Appropriate Assessment

This stage of the process identifies any potential significant affects to European Sites from the Proposed Amendment, either alone or in combination with other projects or plans.

An important element of the AA process is the identification of the “conservation objectives”, “Qualifying Interests” (QIs) and/ or “Special Conservation Interests” (SCIs) of European Sites requiring assessment. QIs are the habitat features and species listed in Annexes I and II of the Habitats Directive for which each European Site has been designated and afforded protection. SCIs are wetland habitats and bird species listed within Annexes I and II of the Birds Directive. It is also vital that the threats to the ecological / environmental conditions that are required to support QIs and SCIs are considered as part of the assessment.

The following NPWS Generic Conservation Objectives have been considered in the screening:

- For SACs, to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
- For SPAs, to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

Where available, Site-Specific Conservation Objectives (SSCOs) designed to define favourable conservation status for a particular habitat⁴ or species⁵ at that site have been considered.

3.1 Assessment Criteria

3.1.1 Is the Plan Necessary to the Management of European Sites?

The primary purpose of the Proposed Amendment is not the nature conservation management of the sites, but to update the Planning Scheme so as to align with Government Policy on housing and in particular to take cognisance of the updated ministerial guidance on car parking provision for apartment development. Therefore, the Proposed Amendment is not considered by the Habitats Directive to be directly connected with or necessary to the management of European designated sites.

3.1.2 Elements of the Proposed Amendment with Potential to Give Rise to Effects

The Proposed Amendment is identified as strategic in nature relating to processes, procedures and concepts within the Planning Scheme area. There are no provisions for physical development beyond that which is already contained within the existing Scheme that has been subject to its own appropriate assessment process resulting in determination that the existing Scheme would not have significant adverse effects on the ecological integrity of any European Site. Therefore, there are no sources for adverse effects to any ecological process and no further assessment is required.

3.2 Types of Potential Effects and Changes

As outlined in the European Commission Environment DG document *“Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC”* outlines the types of effects that may affect European Sites. These include effects from the following activities:

⁴ Favourable conservation status of a habitat is achieved when: its natural range, and area it covers within that range, are stable or increasing; the specific structure and functions that are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future; and the conservation status of its typical species is favourable.

⁵ The favourable conservation status of a species is achieved when: population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats; the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future; and there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

- Land take
- Resource Requirements (Drinking Water Abstraction Etc.)
- Emissions (Disposal to Land, Water or Air)
- Excavation Requirements
- Transportation Requirements
- Duration of Construction, Operation, Decommissioning

In addition, the guidance document outlines the following likely changes that may occur at a designated site, which may result in effects on the integrity and function of that site:

- Reduction of Habitat Area
- Disturbance to Key Species
- Habitat or Species Fragmentation
- Reduction in Species Density
- Changes in Key Indicators of Conservation Value (Water Quality Etc.)
- Climate Change

3.3 Other Plans and Programs

Article 6(3) of the Habitats Directive requires an assessment of a plan or project to consider other plans or programmes that might, in combination with the plan or project, have the potential to adversely impact upon European Sites. There are no sources for effects identified within the Proposed Amendment and there are no in-combination effects beyond those contained within the existing Scheme and associated AA.

4 Conclusions

Stage 1 AA Screening for the Proposed Amendment to the Cherrywood Strategic Development Zone Planning Scheme 2014 (as amended) has been carried out. It has been demonstrated that implementation of the Proposed Amendment is not foreseen to have any likely significant effects on any European Site.

Implementation of the Proposed Amendment as part of the Scheme must demonstrate compliance with the requirements of environmental and planning legislation and planning and licensing processes, including existing provisions of relevant land use plan(s) and policy documents such as the National Planning Framework, the Regional Spatial and Economic Strategy and policies, objectives and environmental provisions contained in the existing Scheme (as amended). The Scheme was subject to AA and SEA processes which determined there is no risk of likely significant effects to any European Site as a result of the implementation of the Scheme.

The AA screening process considered potential effects that may arise during implementation of the Proposed Amendment. Through an assessment of the sources for effects and an evaluation of the Proposed Amendment it was determined that the existing Scheme accounts for development within Cherrywood area. It has been evaluated that the Proposed Amendment has no source for effects on ecological processes.

It is concluded that the Proposed Amendment to the Cherrywood Strategic Development Zone Planning Scheme 2014 (as amended) will not give rise to any effect on the ecological integrity of any European Sites⁶, alone or in combination with any other plans, programmes, projects etc. Consequently, a Stage 2 AA is not required to be undertaken for the Proposed Amendment.

⁶ Except as provided for in Article 6(4) of the Habitats Directive, viz. There must be:
a) no alternative solution available,
b) imperative reasons of overriding public interest for the plan to proceed; and
c) Adequate compensatory measures in place.